#### **EXHIBIT 1**

# REDACTED PUBLIC VERSION

## Case 5:14-cv-05344-BLF Document 150-2 Filed 12/17/15 Page 2 of 28 HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

1	UNITED STATES DISTRICT COURT		
2	NORTHERN DISTRICT OF CALIFORNIA		
3	SAN JOSE DIVISION		
4	X		
5	CISCO SYSTEMS, INC.,		
6	Plaintiff,		
7	v. Case No.:		
8	ARISTA NETWORKS, INC., 5:14-cv-05344-BLF (PSG)		
9	Defendant.		
10	X		
11			
12			
13	HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY		
14			
15	VIDEOTAPED DEPOSITION OF JEFFREY WHEELER		
16	November 12, 2015		
17	9:33 a.m 5:55 p.m.		
18	Richmond, Virginia		
19			
20			
21			
22	Job No. 2183991		
23	REPORTED BY:		
24	Kimberly L. Ribaric, RPR, CCR		
25	PAGES 1 - 255		
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1	Deposition of JEFFREY WHEELER, held at the
2	law office of:
3	
4	Troutman Sanders LLP
5	1001 Haxall Point
6	Richmond, Virginia 23219
7	
8	
9	
10	
11	
12	Pursuant to agreement, before KIMBERLY L.
13	RIBARIC, Registered Professional Reporter,
14	Certified Court Reporter and Notary Public in and
15	for the Commonwealth of Virginia at large.
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1	APPEARANCES OF COUNSEL:
2	
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9	Counsel for Plaintiff
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11	
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16	akrishnan2kvn.com
17	BY: AJAY KRISHNAN, ESQUIRE
18	Counsel for Defendant
19	
20	
21	
22	
23	ALSO PRESENT:
24	REID ATTAWAY, Videographer
25	
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9			Inc.'s Notice of Subpoena to	
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1	(November 12, 2015, 9:33 a.m.)	
2	JEFFREY WHEELER,	
3	the Witness, called for examination, having been	
4	first duly sworn according to law, was examined	
5	and testified as follows:	
6		09:33:13
7	THE VIDEOGRAPHER: Good morning. We are	09:33:13
8	now on the record. The approximate time is	09:33:27
9	9:33 a.m. on November 12th, 2015. This is the	09:33:30
10	video recorded deposition of Jeffrey Wheeler.	09:33:36
11	My name is Reid Attaway, here with court	09:33:39
12	reporter Kim Ribaric, we are here from	09:33:41
13	Vertitext Legal Solutions at the request of	09:33:44
14	counsel for the defendant.	09:33:45
15	This deposition is being held at	09:33:46
16	1001 Haxall Point in Richmond, Virginia.	09:33:50
17	The caption of this case is Cisco Systems	09:33:51
18	versus Arista Networks.	09:33:54
19	Please note that audio and video	09:33:56
20	recording will take place unless all parties	09:33:59
21	agree to go off the record. Microphones are	09:34:03
22	sensitive and may pick up whispers, private	09:34:03
23	conversations and cellular interference.	09:34:03
24	I am not authorized to administer an	09:34:08
25	oath, and I am not related to any party in	09:34:11
		Page 6

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1	this action, nor am I financially interested	09:34:13
2	in the outcome in any way.	09:34:16
3	If there are any objections to	09:34:18
4	proceeding, please state them at the time of	09:34:19
5	your appearance, beginning with the noticing	09:34:22
6	attorney.	09:34:25
7	MR. KRISHNAN: Ajay Krishnan from Keker &	09:34:25
8	Van Nest, for Arista.	09:34:26
9	MR. TUNG: Mark Tung from Quinn Emanuel,	09:34:28
10	for Cisco.	09:34:30
11	THE VIDEOGRAPHER: Thank you. The	09:34:31
12	witness will be sworn in and counsel may begin	09:34:33
13	examination.	09:34:33
14		09:34:33
15	JEFFREY WHEELER,	09:34:33
16	WAS SWORN AND TESTIFIED AS FOLLOWS.	09:34:33
17		09:34:44
18	MR. KRISHNAN: Good morning, Mr. Wheeler.	09:34:44
19	THE WITNESS: Good morning.	09:34:46
20		09:34:47
21	EXAMINATION	09:34:47
22	BY MR. KRISHNAN:	09:34:47
23	Q. Could you please state your address.	09:34:48
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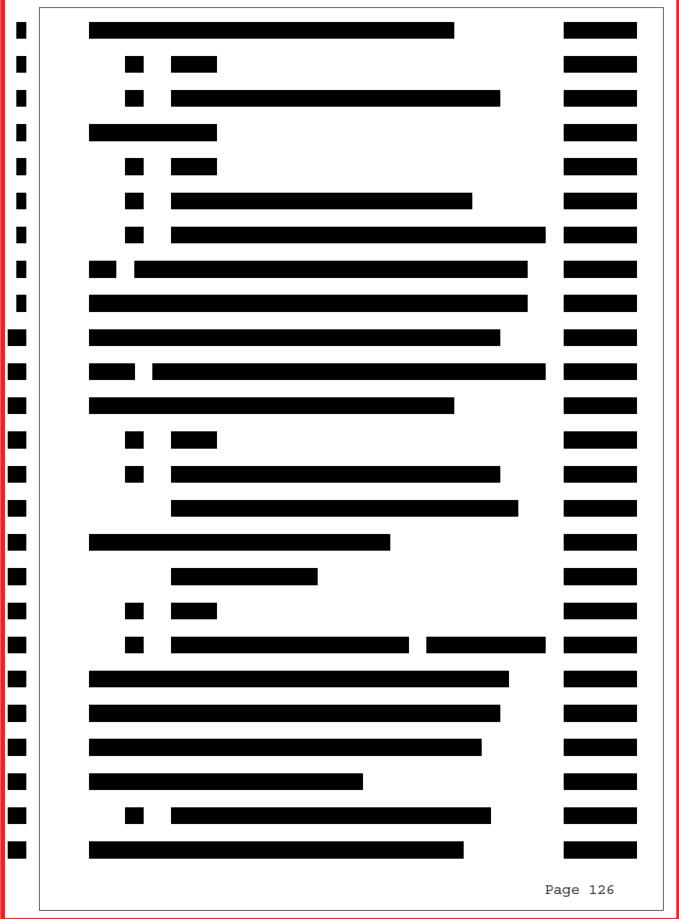
1	A. I don't have enough knowledge of the Bay	12:00:23
2	tool to say all the differences or the number of	12:00:26
3	differences.	12:00:29
4	Q. Okay. Well, let's talk about maybe the	12:00:30
5	other Cisco routers that you were familiar with.	12:00:34
6	A. Okay.	12:00:38
7	Q. They also had OA&M tools; correct?	12:00:38
8	A. They had or if you're referring to the	12:00:41
9	CLI for for Cisco?	12:00:45
10	Q. Yes.	12:00:46
11	A. Yeah, they had a CLI, and it allowed you	12:00:47
12	to do administrative functions and monitoring	12:00:50
13	functions.	12:00:56
14	Q. Okay. And the Cisco CLI you're referring	12:00:57
15	to is IOS CLI?	12:01:00
16	A. Correct.	12:01:04
17	Q. Okay. And that's sort of the	12:01:05
18	Cisco-branded CLI?	12:01:06
19	A. Sure.	12:01:07
20	Q. Okay. And that CLI, what types of OA&M	12:01:08
21	tools were accessible through that CLI?	12:01:13
22	A. You could restart the box. You could go	12:01:17
23	into an able mode. You could see statistics and	12:01:24
24	counters. You could look at the version of the	12:01:30
25	of the IOS and the hardware. You could, you know,	12:01:35
	]	Page 86

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1	Q. But putting that distinction aside	12:03:38
2	between what level of the OSI protocol the OA&M	12:03:41
3	tools were operating at, the Cisco IOS CLI also	12:03:46
4	was a single entry point for administering the	12:03:55
5	sort of downstream OA&M tools that it managed?	12:04:00
6	A. It was focused, yeah, on administering	12:04:06
7	that at administrating the UM system and and	12:04:09
8	executing other tools within the UM system to	12:04:17
9	accomplish OA&M functions.	12:04:21
10	Q. Okay. So are you're talking there	12:04:23
11	about UM CLI	12:04:25
12	A. UM CLI. You asked about UM CLI?	12:04:26
13	Q. I'm sorry. I was asking about IOS CLI.	12:04:28
14	A. Okay. I'm sorry. I heard that.	12:04:31
15	Q. Putting aside the distinction between	12:04:31
16	what level the OA&M tools we're working at, the	12:04:34
17	IOS CLI also offered a single entry point	12:04:40
18	A. Oh. Okay.	12:04:40
19	Q interface to deal with whatever OA&M	12:04:41
20	tools it was managing; right?	12:04:44
21	A. Correct.	12:04:46
22	Q. Okay. Did the IOS CLI have a did it	12:04:46
23	use generic commands to administer these OA&M	12:04:52
24	tools?	12:04:57
25	MR. TUNG: Object to the extent it calls	12:04:57
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	MOILT CONTIDENTIAL - ATTORNETS ETES ONET	
1	for a legal conclusion.	12:04:59
2	THE WITNESS: What do you mean by	12:05:00
3	"generic commands"?	12:05:04
4	BY MR. KRISHNAN:	12:05:05
5	Q. You're familiar with the term generic	12:05:06
6	commands in your patent, the '526 patent?	12:05:09
7	A. That	12:05:11
8	MR. TUNG: Same objection.	12:05:11
9	THE WITNESS: Yeah, that that is	12:05:12
10	language that is nothing I use as a as an	12:05:14
11	engineer.	12:05:17
12	BY MR. KRISHNAN:	12:05:19
13	Q. Okay. So okay. Well, let's let's	12:05:24
14	put that aside then.	12:05:24
15	How would you say other than the level	12:05:26
16	at which the OA&M tools were operating, how else	12:05:31
17	would you say that the UM CLI solution that you	12:05:39
18	developed was different from the IOS CLI method	12:05:43
19	for administrating the OA&M tools?	12:05:49
20	A. The UM CLI tool well, besides the fact	12:05:53
21	that it worked at a different layer, the tool	12:06:02
22	could it had a auto completion feature, which	12:06:09
23	you could begin typing characters, and then it	12:06:15
24	would try to make the best match based on what	12:06:22
25	characters were typed. I don't believe the U	12:06:25
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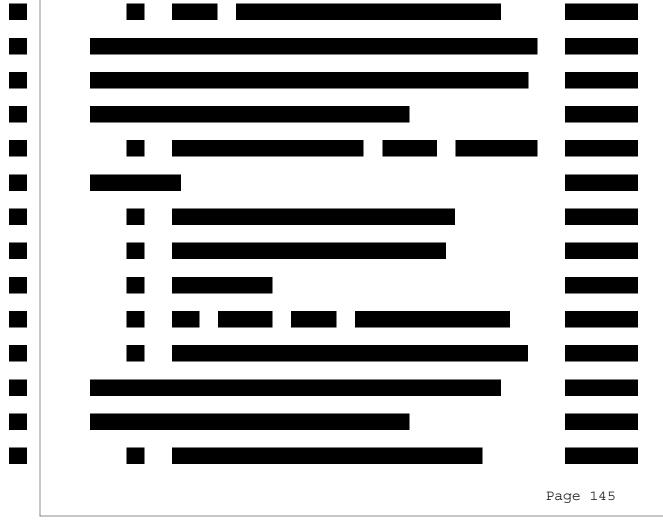
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13	MR. KRISHNAN: Okay. I think why	02:21:08
14	don't we take a break right there.	02:21:00
15	THE WITNESS: Okay.	02:21:10
16	THE VIDEOGRAPHER: We are going off the	
17	video record at 2:21 p.m.	02:21:14
18	(Proceedings recessed at 2:21 p.m., and	02:21:19
19	reconvened at 2:32 p.m.)	02:27:29
20	THE VIDEOGRAPHER: This is the beginning	02:31:56
21	of Disc 3. We are back on the record at	02:32:27
22	2:32 p.m. Counsel may proceed.	02:32:31
23	BY MR. KRISHNAN:	02:32:33
24	Q. Okay. You're familiar with the term	02:32:42
25	"generic commands" from your '526 patent?	02:32:44
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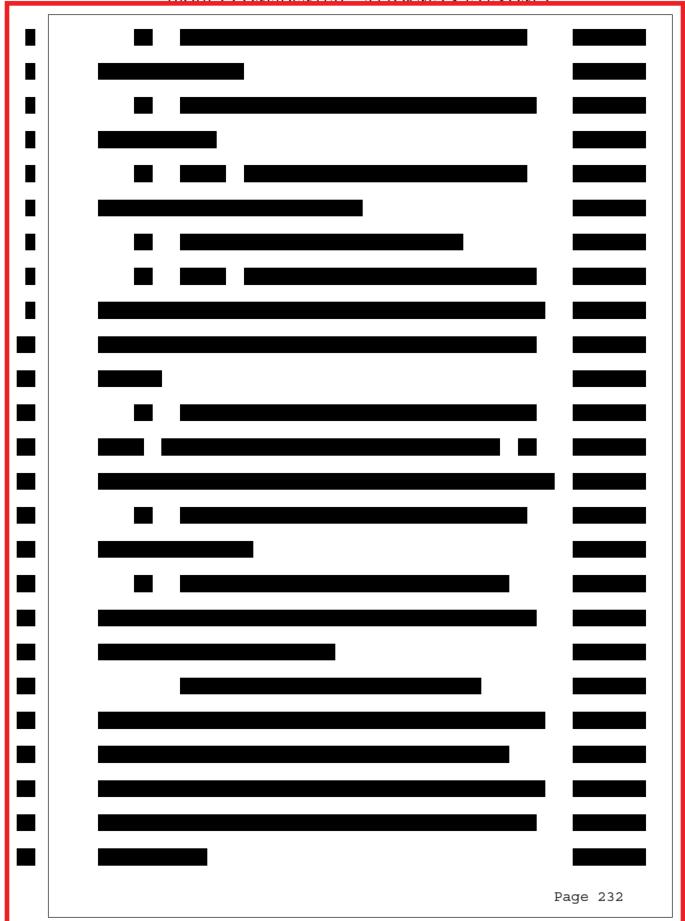
	HIGHLI CONFIDENTIAL - ATTORNETS ETES ONLT	
1	MR. TUNG: Objection to the extent it	02:32:49
2	calls for a legal conclusion.	02:32:49
3	THE REPORTER: I didn't hear you.	02:32:49
4	THE WITNESS: I've read those that	02:32:49
5	MR. TUNG: Legal conclusion.	02:32:55
6	THE WITNESS: I've read that phrase in	02:32:55
7	there.	02:32:57
8	BY MR. KRISHNAN:	02:32:57
9	Q. Okay.	02:32:58
10	A. I don't know what it particular	02:32:58
11	referring to, but	02:33:02

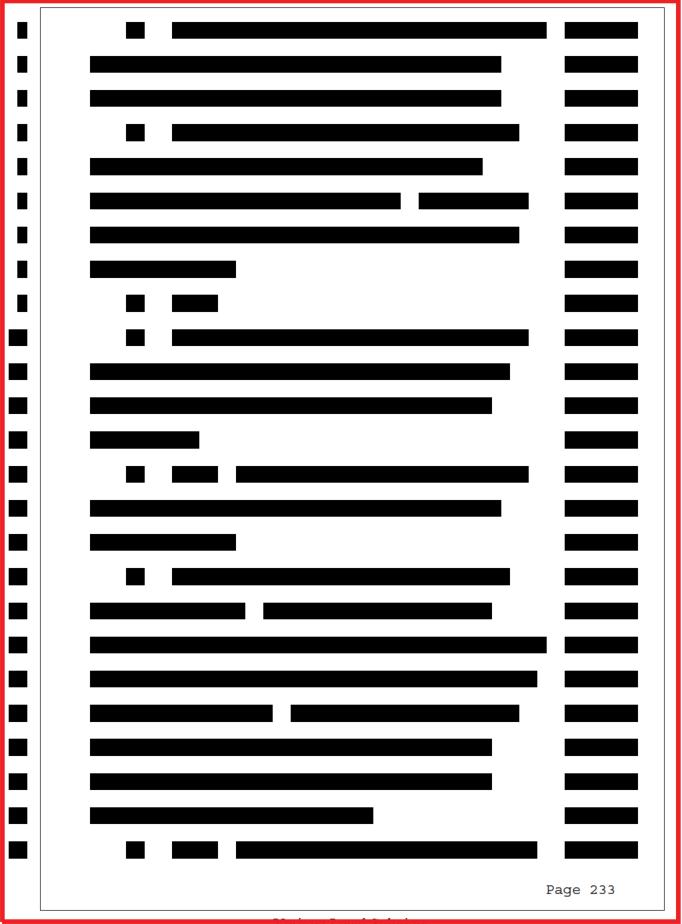


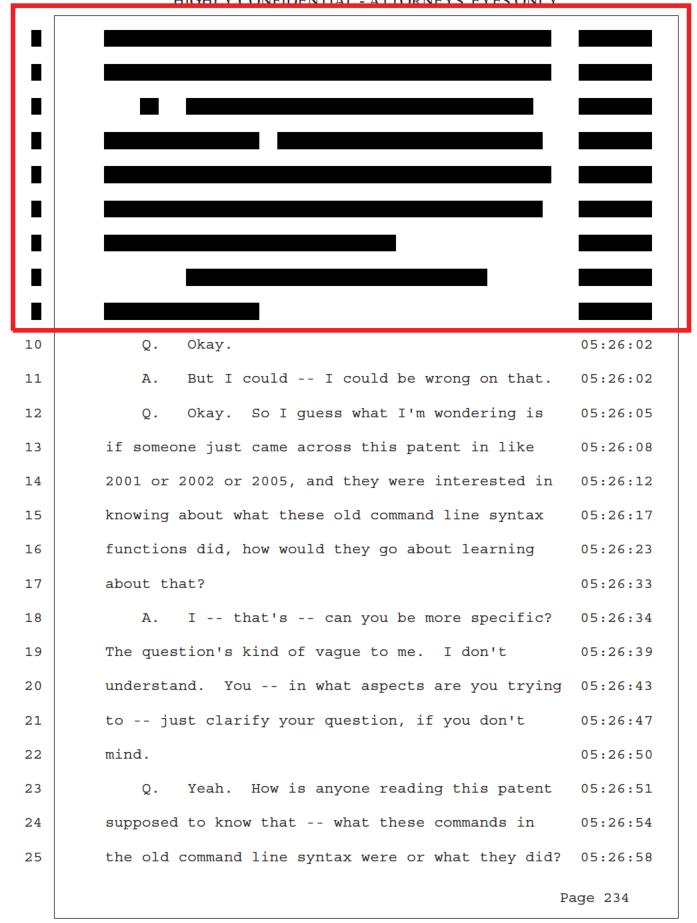
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1	BY MR. KRISHNAN:	05:20:09
2	Q. Correct.	05:20:13
3	A. That is just a a common way to list	05:20:16
4	the ones that all came after it. Object would be	05:20:23
5	replaced by base or app or H.323 or TNT. So	05:20:30
6	oh, minus T oh, with a minus T. So each	05:20:39
7	okay.	05:20:42
8	So each of those developer tools, the	05:20:43
9	view tools, if you gave it a T option, it would	05:20:50
10	it would tell you how often it was going to	05:20:54
11	refresh itself.	05:20:59

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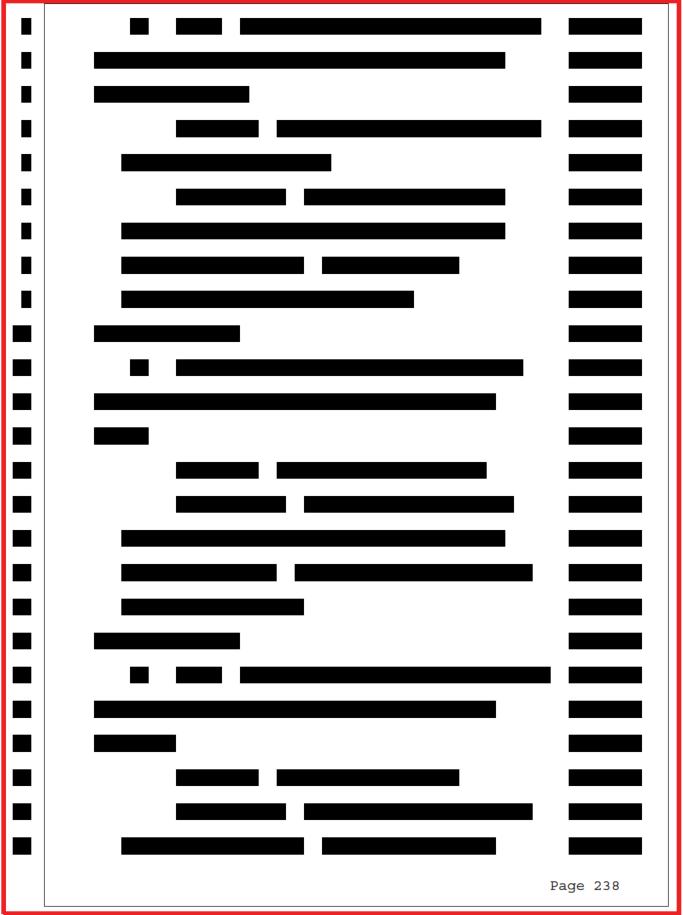


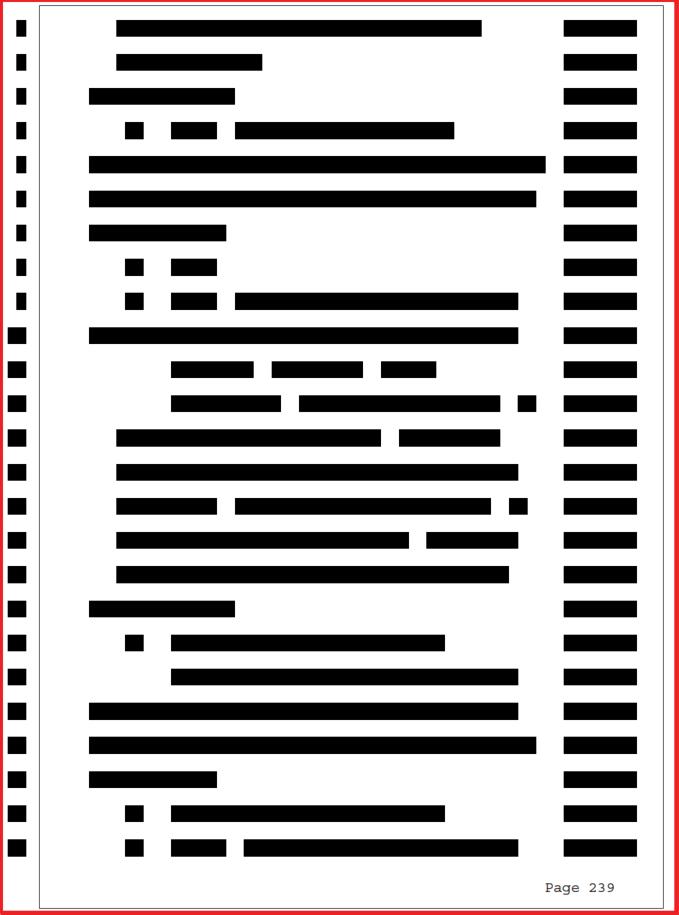
#### Case 5:14-cv-05344-BLF Document 150-2 Filed 12/17/15 Page 20 of 28 HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

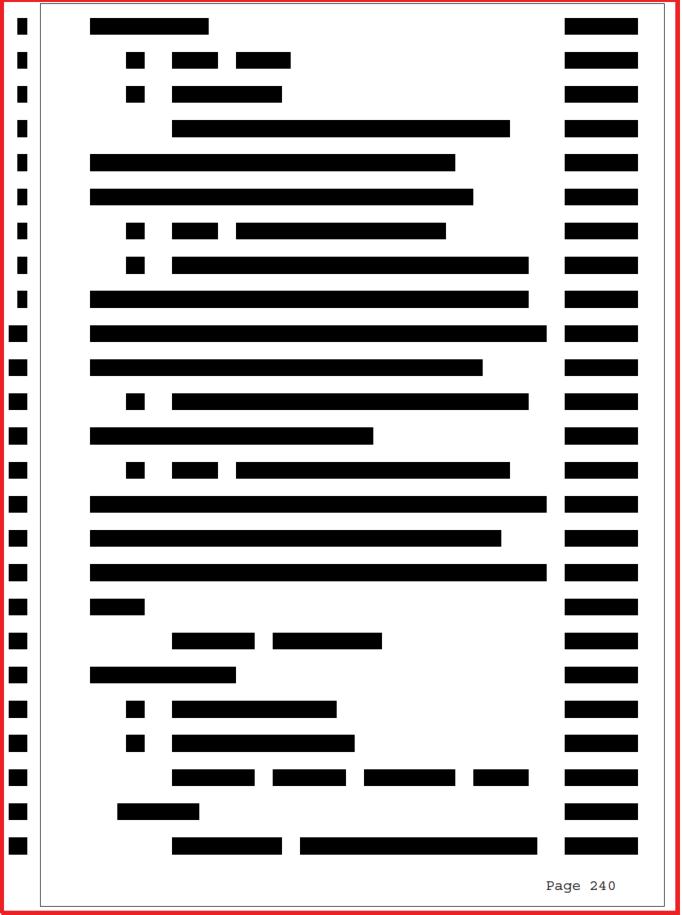
1	A. That would be interpreting the language	05:27:03
2	of the patent. I would just say that in the	05:27:10
3	they would okay. If if they read this,	05:27:32
4	columns 5 and 6, and they had maybe read the	05:27:39
5	documentation or been to training, they would know	05:27:47
6	what some of these words, like base TNT and H.323	05:27:51
7	mean, so that would probably given them a clue	05:27:59
8	that these commands could help see what's going on	05:28:03
9	in that process.	05:28:06
10	Q. And what training are you referring to?	05:28:07
11	A. If there was any unified messaging or	05:28:10
12	unified communication training. There was several	05:28:14
13	courses that were offered, including a operations	05:28:17
14	troubleshooting course.	05:28:21

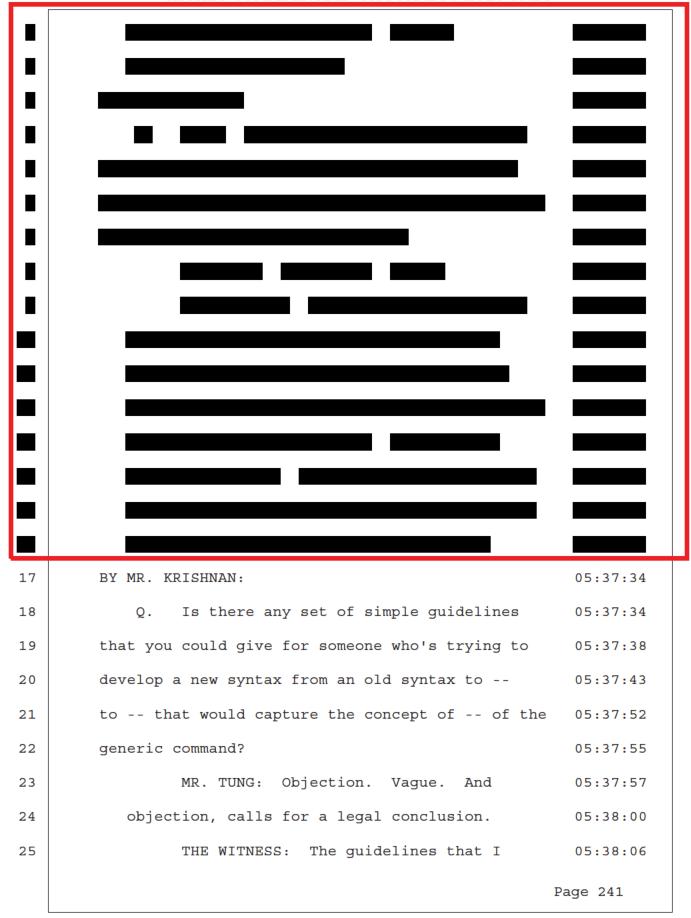


2	Q. Okay. And sort of a related question is:	05:29:17
3	How is someone who is just reading this patent	05:29:21
4	even supposed to know that the UM CLI product is	05:29:25
5	the one that's referenced here in columns 5 and 6?	05:29:29
6	A. Well, columns the second column is the	05:29:33
7	syntax that UM CLI require used. So if they	05:29:39
8	saw this syntax and matched it with the UM	05:29:45
9	customer documentation, they would know that	05:29:51
10	that's related to UM CLI.	05:29:53
11	Q. Was the UM CLI syntax well known in	05:29:55
12	the in the field?	05:30:00
13	MR. TUNG: Objection. Vague.	05:30:01
14	THE WITNESS: It was it was	05:30:06
15	documented. So well known if people	05:30:07
16	administered UM systems, they went to our	05:30:10
17	training, then yes, they would have known	05:30:13
18	about it.	05:30:15
19	BY MR. KRISHNAN:	05:30:15
20	Q. Okay. You said if someone were to match	05:30:16
21	the syntax in column 2 with the	05:30:19
22	A. Documentation.	05:30:25
23	Q. And that documentation is documentation	05:30:27
24	from Cisco; right?	05:30:28
25	A. Yeah, that's our documentation that we	05:30:30
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1		
1	pre-1996 development of the UM product, you didn't	05:54:52
2	tell Kirkland anything in either the phone call or	05:54:58
3	the meeting that you haven't testified to today?	05:55:01
4	A. Yeah, I don't recall anything besides	05:55:04
5	that that was that was different. There was	05:55:15
6	more covered today than there was in those	05:55:19
7	conversations.	05:55:22
8	MR. KRISHNAN: Okay. I don't have any	05:55:23
9	further questions. Thank you.	05:55:24
10	THE WITNESS: Okay.	05:55:26
11	MR. TUNG: So I want to designate the	05:55:26
12	transcript highly confidential, attorneys'	05:55:29
13	eyes only, and reserve our rights under the	05:55:36
14	federal rules to submit errata. And I think	05:55:39
15	we're done.	05:55:39
16	THE VIDEOGRAPHER: This is the end of	05:55:41
17	Disc 4 and end of the deposition. We are	05:55:43
18	going off the record at 5:55 p.m.	05:55:45
19		
20	(Deposition concluded, 5:55 p.m.)	
21		
22	(Signature reserved.)	
23		
24		
25		
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COMMONWEALTH OF VIRGINIA AT LARGE, to wit: 1 I, Kimberly L. Ribaric, Registered Professional 2 3 Reporter, Certified Court Reporter and Notary Public in and for the Commonwealth of Virginia at 4 5 Large, and whose commission expires August 31, 2016, do certify that the aforementioned appeared 6 before me, was sworn by me, was thereupon examined by counsel, that review was requested; and that 8 9 the foregoing is a true, correct, and full transcript of the testimony adduced. 10 I further certify that I am neither related to 11 12 nor associated with any counsel or party to this 13 proceeding, nor otherwise interested in the event thereof. 14 15 Given under my hand and notarial seal at 16 Fluvanna County, Virginia, this 24th day of 17 November 2015. 18 19 Kimberly L. Ribaric, RPR, CCR 20 21 Notary Public Registration No. 348266 22 I was commissioned a notary public as Kimberly L. Krett 23 Commonwealth of Virginia at Large 2.4 2.5 Page 254

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1	I declare under penalty of perjury
2	under the laws that the foregoing is
3	true and correct.
4	
5	Executed on, 20,
6	at
7	
8	
9	
10	
11	
12	JEFFREY WHEELER
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